

ENTERED

March 17, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LINDA A. PORTER,

Plaintiff,

VS.

EXXON MOBIL CORPORATION,

Defendant.

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CIVIL ACTION NO. H-14-1553

ORDER

The court granted summary judgment for the defendant, ExxonMobil, and entered a final judgment on March 8, 2016. (Docket Entry Nos. 81, 82). The plaintiff, Linda Porter, dismissed her counsel and proceeded pro se. (Docket Entry No. 84). Ms. Porter filed numerous supplements and exhibits as a motion for reconsideration from April to June 2016. (Docket Entry Nos. 85, 89–90, 103–108, 110, 111). The court, after giving Ms. Porter’s submissions a broad reading and full consideration, denied the motion for reconsideration. (Docket Entry No. 112).


Ms. Porter has again filed multiple submissions and supplements as a second motion for reconsideration. (Docket Entry Nos. 113, 114, 116, 117). Ms. Porter does not raise arguments or evidence the court has not already carefully considered. Under either Federal Rule of Civil Procedure 59(e) or 60(b), her motion must be denied.

ExxonMobil asks the court to warn Ms. Porter that future repetitive filings in this case may result in her being declared a vexatious litigant and sanctioned. (Docket Entry No. 115 at 3). That measure does require a prior warning. *See Mendoza v. Lynaugh*, 989 F.2d 191, 195 (5th Cir. 1993) (quoting *Moody v. Baker*, 857 F.2d 256, 258 (5th Cir. 1988)) (“The imposition of a sanction without

a prior warning is generally to be avoided.”)). Ms. Porter is specifically admonished and warned that the continued filing of motions for reconsideration or similar motions may result in sanctions against her, which may include monetary sanctions or a bar to filing further litigation in the Southern District of Texas without advance permission from the court to do so..

Ms. Porter’s second motion for reconsideration, (Docket Entry Nos. 113, 114, 116, 117), is denied.

SIGNED on March 17, 2017, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge